

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

EDWARD JESSE DREYFUSE,
Plaintiff,

(Enter above the full name of the plaintiff
or plaintiffs in this action).

(Inmate Reg. # of each Plaintiff)

VERSUS

CIVIL ACTION NO. 3:18-cv-499
(Number to be assigned by Court)

JUDGE PAUL T. FARRELL,
Defendant,

(Enter above the full name of the defendant
or defendants in this action)

COMPLAINT

I. Previous Lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

Yes ✓ No

NOT CHALLENGING CONDITIONS OF CONFINEMENT

B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit:

Plaintiffs: EDWARD JESSE DREYFUSE

Defendants: CHRISTOPHER D. CHILES

SEAN HAMMERS

RYAN BENTLEY

2. Court (if federal court, name the district; if state court, name the county);

U.S. DISTRICT COURT SOUTHERN DISTRICT
OF WEST VIRGINIA / HUNTINGTON DIVISION

3. Docket Number: 3:17-CV-4031

4. Name of judge to whom case was assigned:

UNKNOWN

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

Pending

6. Approximate date of filing lawsuit: 9/25/2017

7. Approximate date of disposition: Pending

(In item C below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use item D for the names, positions, and places of employment of any additional defendants.)

C. Defendant: Judge PAUL T. FARRELL

is employed as: Circuit Court Judge

at CABELL COUNTY COURT HOUSE

D. Additional defendants: _____

IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

42 U.S.C. § 1983 CIVIL ACTION For intentional
Deprivation of Civil and Constitutional
Rights as Described in The ATTACHED

SEE ATTACHED - Pgs. 1-A - Thru 15-A

* due to the complex issues of this case the
STATEMENT OF CLAIM IS DETAILED in The ATTACHED.

IV. Statement of Claim (continued):

V. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments.
Cite no cases or statutes.

DECLARATORY RELIEFS AS CLAIMED, ^{*} due TO THE
COMPLEX ISSUES OF THIS CASE THE DECLARATORY
RELIEFS SOUGHT ARE DETAILED IN THE
ATTACHED

SEE PAGES 1-A THRU 15-12

SEE ATTACHED

V. Relief (continued)):

VII. Counsel

- A. If someone other than a lawyer is assisting you in preparing this case, state the person's name:

SELF

- B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action?

Yes _____ No ☒

If so, state the name(s) and address(es) of each lawyer contacted:

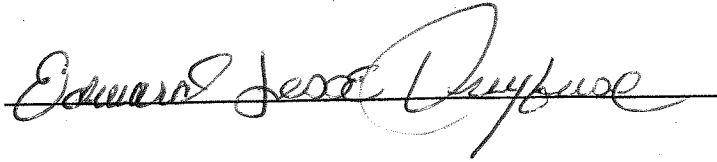
If not, state your reasons: _____

- C. Have you previously had a lawyer representing you in a civil action in this court?

Yes _____ No ☒

If so, state the lawyer's name and address:

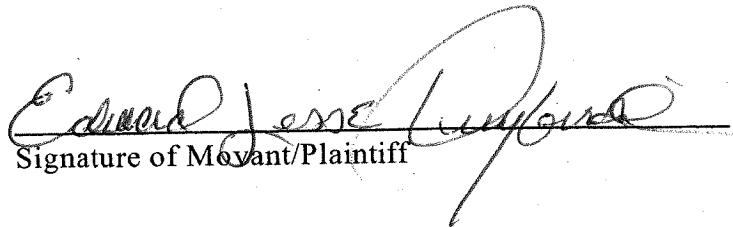
Signed this _____ day of _____, 20____.



Signature of Plaintiff or Plaintiffs

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 3/26/2018
(Date)


Signature of Movant/Plaintiff

Signature of Attorney
(if any)

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION

EDWARD JESSE DREYFUSE,
Plaintiff, Pro-se

V.

JUDGE, PAUL T. FARRELL,
Defendant,

42 U.S.C. § 1983 CIVIL ACTION

comes your Plaintiff, Edward Jesse Dreyfuse,
Pro-se, bringing action before this Honorable
Court pursuant to the Civil Rights Act of
1871, 42 U.S.C. § 1983 and its Jurisdictional
implementation, 28 U.S.C. § 1343.

Your Plaintiff seeks only the equitable
Reliefs of Declaratory Judgment
Pursuant to 28 U.S.C. § 2201 and
28 U.S.C. § 2202 for the "Arbitrary and
Capricious" actions of the Defendant.

Under 28 U.S.C. § 2201, The existence of another adequate remedy does not preclude a Declaratory Judgment Action. According to such, Plaintiff serves NOTICE upon The Defendant and respectfully moves for a speedy Hearing into The matters AT ISSUE Pursuant to Rule 57 of The Federal Rules of Civil Procedure of The Above titled Action and advancing The Same on The Courts Calender for The CAUSE OF ACTIONS in The Claims Presented below.

CAUSE OF ACTIONS

CLAIM ONE:

Plaintiff Claims The Denial of Access to Review or to Possess a copy of all of The Discovery materials contained within his Criminal Case file, 12-F-232, by The Defendant, on its Face, deprives The Plaintiff of a Property interest without Due process of Law and Contrary to The Protections of The Fifth and Fourteenth U.S. Constitution's Amendments.

Plaintiff asserts that arbitrary and capricious actions by the Defendant, PAUL T. FARRELL has, and is being applied in violation of your Plaintiff's Constitutional Rights under the Fourteenth Amendment's due process clause.

Plaintiff, a person convicted of a capital offense in Cabell County Circuit Court by a Jury Trial presided by Judge PAUL T. FARRELL, the Defendant herein, has filed a Post-conviction Petition for writ of Habeas Corpus, CASE NO: 16-C-1, wherein your Plaintiff, without the assistance of counsel identified and presented nine separate claims for Habeas Reliefs, (see EXHIBIT-A). Plaintiff has in fact filed more than 10 requests for a copy of the discovery materials contained within Criminal Case File 12-F-232, all which have gone without disclosure of the discovery of case 12-F-232, your Plaintiff's case file, and respectfully, his property.

Plaintiff further includes that EVERY Attorney Appointed by The Defendant, PAUL T. Farrell has REFUSED TO Provide a complete copy of The Discovery materials to your Plaintiff, and by such Plaintiff has filed formal complaints with The W.Va. Lawyer Disciplinary Counsel AGAINST EACH OF The Attorney's for withholding and concealing The Discovery materials. The Record is clear where Plaintiff has filed Disciplinary complaints AGAINST Attorney's Conway, Hicks, Rozinsky, Meadows, Wright, Andrew Shumate and at Present Attorney Raymond Nolan in F.D. NO. 18-02-054 - (review at www.wvodd.org).

As every Lawyer has intentionally withheld The Discovery, Plaintiff has filed a formal complaint for The violations of The respective Rules of Professional Conduct which has resulted in your Plaintiff's being Abandoned by Counsel.

Plaintiff avers that Previous Counsel informed him that Any Lawyer who Challenges Judge Farrell or Chris Chiles will not receive any further appointments in Cabell County.

Furthermore, as every lawyer intentionally withheld and concealed The Discovery AT issue, upon filing motions for The Appointment of Counsel and ALSO motions for STATUS Hearings Plaintiff has repeatedly asked The Defendant for a copy of The Discovery AT issue, which has been arbitrarily and capriciously denied.

Plaintiff has shown that The Discovery in question is not only personal property, but ALSO is needed and required in order to identify and raise all potential grounds for Post-conviction Habeas corpus Reliefs and to ALSO allow Plaintiff to knowingly and intelligently waive any issues or grounds prior to The omnibus Discovery as are mandated in The legal prerequisites set forth in *Loss v. McKenzie*. However, The Defendant continues to deny your Plaintiff access or a complete copy of The Property AT issue, knowing such is a constitutional violation.

RELIEFS SOUGHT;

Plaintiff seeks a speedy Hearing into The matter Pursuant to Rule 57 of The Federal Rules of Civil Procedure and After full development of The claim in such Hearing Plaintiff seeks Declaratory Judgment That The Denial and intentional withholding of The Discovery materials from your Plaintiff by The Defendant are an unconstitutional violation of The Due process and Equal protection clauses of The Fifth and Fourteenth Amendments as such is a Deprivation of a property interest without Due Process.

Plaintiff also seeks any Reliefs This Court so deems appropriate Pursuant to 28 U.S.C. § 2202 respectfully.

CLAIM TWO;

Plaintiff claims The Denial to Take Action Against Christopher Chiles, Sean Hammers and Ryan Bentley for The Constitutional and Civil Rights violations They committed Against The Plaintiff by The Fraud They Perpetrated upon The Court as Detailed in EXHIBIT - ZZZ

which was intercepted and Denied by The Defendant who Knew That he had Absolutely NO Jurisdiction over The Application to present Complaint before The Grand Jury, did Knowingly, willfully and intentionally Deprive your Plaintiff The Constitutional Rights of Due Process and Equal Protection under the clauses of The Fifth and Fourteenth Amendments.

Plaintiff asserts that The arbitrary and capricious actions and inactions by The Defendant, PAUL T. Farrell Shock The Conscious as any Judge who would Blatantly violate Title 18 U.S.C.S. § 242 Deprivation of Rights under color of Law, These rights specifically being The Fifth and Fourteenth U.S. Constitutional Rights of Due Process and Equal Protection as well as The West Virginia State Constitutional violation of Article III § 17 that states The Right that ANY Person, by application to a Circuit Judge who's Duty is to insure Access to The Grand Jury, may go to The Grand Jury to present a Complaint to it.

not only did The Defendant intentionally intercept, decide and deny The Action in which he had No Jurisdiction over, The Defendant did not take appropriate Actions Pursuant To The West Virginia Code Of Judicial Conduct That mandates A Judge having Knowledge Of misconduct Of A Lawyer That Questions The Lawyer's Honesty, Trustworthiness Or Fitness As A Lawyer has A Duty To report such misconduct To The Appropriate Authority. Without question The misconduct and Felony offenses committed by Christopher Chiles, Sean Hammers and Ryan Bentley as Detailed and Described in EXHIBIT- ZZZ should have been promptly Reported To The Appropriate Disciplinary Authorities, The U.S. Dept. Of Justice, The U.S. Attorney and The West Virginia Attorney General and The Defendant should have immediately initiated an investigation into The official misconduct and Felony offenses committed by Christopher Chiles, Sean Hammers and Ryan Bentley.

Accordingly, by The Defendant's inactions he has committed offenses under 18 U.S.C. § 4 and 18 U.S.C. § 3 and has intentionally Deprived your Plaintiff The U.S. Constitutional Rights of Due Process and Equal Protection of Law under The Fifth and Fourteenth Amendments and also Deprived your Plaintiff The State Constitutional Rights under Article III § 17 of The W. Va. Constitution that any person, by application to a circuit Judge whose Duty is to insure access to the Grand Jury, may go to the Grand Jury to present a complaint to it.

RELIEFS SOUGHT:

Plaintiff seeks a speedy Hearing into The matters pursuant to Rule 52 of The Federal Rules of Civil Procedure, and after The full development of The claim in such Hearing Plaintiff seeks Declaratory Judgment that The afore described actions and inactions by The Defendant are unconstitutional violations of The Due process and equal protection clauses of The Fifth and Fourteenth Amendments and Art. III § 17 of The W. Va. State Constitution.

Plaintiff also seeks any Reliefs this Court so deems appropriate pursuant to 28 U.S.C. § 2202 Respectfully.

CLAIM THREE:

Plaintiff Claims That The Denial And Refusal To recuse or self Disqualify As The presiding Judge in The Post-conviction Habeas Corpus Proceedings OF CASE NO: 16-L-1 by The Defendant is repugnant TO The Ancient legal maxim That "Nemo Debet Esse Jux In Propria Causa -- No man ought to be A Judge in his own Cause," which is A Fundamental Rule OF Reason and OF NATURAL JUSTICE, and is TEXTBOOK example OF Arbitrary and CAPRICIOUS ACTIONS OF The Defendant THAT Shock The Conscience and are UNCONSTITUTIONAL violations OF The Due Process and Equal protection CLAUSES OF The Fifth and Fourteenth Amendments And W.Va. canon 3 B(1), (i), (iii) and (iv) And The W.Va. code of Judicial conduct Rule 2.11 A, (1), (a).

Plaintiff asserts that PAUL T. Farrell's Refusal to Recuse and self disqualify from The Habeas Action, CASE NO: 16-C-1 ARE A denial OF Due process and equal protection OF LAW AS WELL AS BLATANT violations OF The W.VA. Code OF Judicial conduct and its canons.

AS Clearly Detailed in The Habeas Petition (SEE EXHIBIT-A) There stands The serious issues OF Prosecutorial misconduct THAT involves The intentional and fraudulent presentment OF Fabricated false perjured testimony AND ALSO The very cognizable AND Factual claim THAT The Defendant, Judge Paul T. Farrell Knew THAT such Fraud was being perpetrated in his COURT WITHOUT intervention, correction or Applying A Doctrine OF inherent incredibility, AS PAUL T. Farrell did knowingly, intentionally and willfully allow The false, fabricated, fraudulent testimony procured AND suborned by Christopher Chiles TO PASS AS A FACT OF MATERIAL evidence while knowing such WAS ABSOLUTELY impossible - (SEE EXHIBIT-BBB which was Reviewed by The Defendant Prior TO TRIAL)

This, as well as other issues, including The Defendant's Refusal To Take Action Prior To Trial For The illegal Actions committed by Christopher Chiles, Sean Hammers and Ryan Bentley Before Resession Of The Grand Jury which was brought To Judge Farrell's Attention in A Pre Trial Status as well as other issues regarding misconduct, prejudice And Denial Of State And Federal Constitutional Rights Of The Plaintiff by The Actions which are and were arbitrary and capricious, must be Fully Developed And Amended To The Habeas Corpus Petition, Case No. 16-C-1 in order To seek appropriate State Reliefs And To Fully Preserve The issues For Federal 2254 Review should such be necessary.

It is well founded That A Judge shall disqualify himself in any proceeding in which The Judges impartiality might be reasonably questioned, especially where The Judge has A personal Bias or prejudice concerning A party, And where The Judge has personal Knowledge Of Facts That are in dispute in The Proceedings.

Further still, by presenting issues involving Judge Farrell, he will and is in fact a "party to the Habeas proceeding" and will likely be a material witness in the same proceedings.

Therefore, The Defendant's Refusal to Self Disqualify is A Clear violation of the W.VA. Code of Judicial Conduct and also violates The Plaintiff's Fifth and Fourteenth Amendment Rights of The U.S. Constitution's Equal protection of law and Due process of law.

Reliefs Sought:

Plaintiff seeks a speedy Hearing into the matters Pursuant to Rule 57 of The Federal Rules of Civil Procedure.

Plaintiff seeks Declaratory Judgment That The Afore Described Refusal to Self Disqualify as presiding Judge in Habeas action 16-C-1 by The Defendant is an unconstitutional violation of The Due process and Equal protection clauses of The Fifth and Fourteenth Amendments of The U.S. Constitution and violations of The W.VA. Code of Judicial Conduct and its canons.

Plaintiff also seeks this court so deems appropriate pursuant to 28 U.S.C. 2202 Respectfully.

CONCLUSION

Plaintiff presents the instant action in good faith with no malicious intent in order to seek this Honorable Court's Review and Decision in the factual matters presented herein.

Petitioner presents such with the understanding that there is no judicial immunity in a 42 U.S.C. § 1983 civil action that seeks only the equitable remedy of a Declaratory Judgment pursuant to 28 U.S.C. § 2201 for the arbitrary and capricious actions on part of a state judge as such are appropriate and actionable under 42 U.S.C. § 1983.

Petitioner includes that the instant action as initiated and respectfully presented is only seeking the equitable remedies of a Declaratory Judgment.

Plaintiff seeks such Reliefs with The understanding That Declaratory Judgment is a Judgment which declares conclusively The Rights, Duties or Status of The parties involved and is The appropriate Remedy for The determination of a Justiciable controversy where Plaintiff is in doubt of his Rights.

Respectfully Submitted and Affirmed
As being True and correct to The best of
my Knowledge and presented under
The penalty of perjury pursuant to
28 U.S.C. § 1746

Edmund Jeare Rayburn

Executed on 3/26/2018.

Clerk Rory Perry II,

Please Find The enclosed Certificate of Service,
Financial Affidavit, motion for Speedy Hearing,
42 U.S.C. § 1983 Civil Action, and Supporting
EXHIBITS - A, ZZZ - BBB and File such
Accordingly -

Thank-you For your services in this
MATTER,

Respectfully

Edward Jesse Rybore

Edward J. Dreyfuss #3534873

Northern Correctional Facility
112 Northern Regional Correctional Drive
Moundsville, WV 26041

U.S. DISTRICT COURT CLERK RORY PERDUE II
SYDNEY C. CHRISTIE FEDERAL BLDG.

845 FIFTH AVENUE
HUNTINGTON, WV,

25701

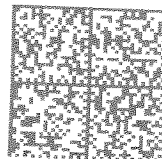
LEGAL
MAIL



USPS TRACKING #



0 Jan. 2013



U.S. POSTAGE PITNEY BOWES
ZIP 26041 \$007.25⁰
02 1W
0001402113 MAR 27 2018

POST OFFICE



MAILED ON
1-2-13